

WITHDRAWAL SHEET  
Ronald Reagan Library

Collection: Baker, Howard H. Jr.: Files  
OA/Box: Box *45*  
File Folder: War Powers September 1987 [September 1987 – October 1987]

Archivist: kdb  
FOIA ID: F1997-066/6, D. Cohen  
Date: 08/11/2004

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
<del>1. note</del>	<del>to Howard and Frank re War Powers Act, 1p [Item is still under review under the provisions of EO 13233]</del>	<del>10/16/87</del>	
<del>2. note</del>	<del>to Howard, re budget, 1p [Item is still under review under the provisions of EO 13233]</del> <i>5/5/09 EOB</i>	<del>10/15/87</del>	

RESTRICTIONS

- B-1 National security classified information [(b)(1) of the FOIA].
- B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].
- B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA]
- B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].
- B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].
- B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].
- B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

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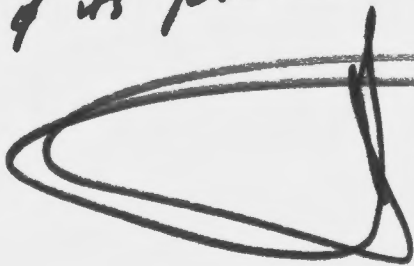
THE WHITE HOUSE  
WASHINGTON

10/16/87

Howard/Frank -

With this incident, no matter what the facts are, it will be most difficult to maintain US forces aren't engaged in hostile action.

Thus, it seems to me we should either notify Congress under War Powers Act or else declare we have no intention of complying with Act because of its presumed unconstitutionality.



We talked with  
Nunn this A.M.  
He is not worked  
up. I will talk  
about Congress  
in a minute



12/15/89

Howard —

We've got to get  
back to Hill on what Tim  
Millare calls "specific" or signals  
on budget.

I don't think there's a chance  
we'll get 34 or 146 signatures on  
a letter. or sustain a veto unless  
President says quickly what he will  
or will not accept. I'm afraid  
that by keeping mum, we lose  
possibility of avoiding sequester and  
we'll get blamed for failure to avoid it.

AMENDMENT NO.

Calendar No.

Purpose:

IN THE SENATE OF THE UNITED STATES--100th Cong., 1st  
Sess.

S. 1174

AMENDMENT NO. 0732

By BYRD & OTHERS

Bill/Res. No. TO AMDT. 712

8 pages

83-20747-1pp GPO

Referred to the Committee on

and

ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Byrd, (for himself  
and Mr. Nunn, Mr. Bumpers, Mr. Adams, Mr. Sasser) to the  
amendment proposed by Mr. Weicker.

Viz: Strike all after subsection (a) of the amendment and  
insert in lieu thereof, the following:

|

(b) Congress expresses its support for:

(1) a continued US presence in the Persian Gulf and the right of all non-belligerent shipping to free passage in the Gulf;

(2) continued work with the countries in the region and with our Allies to bring about a de-escalation of the conflicts in the region, and to bring a halt to those activities which threaten the freedom of navigation in international waters in this region; and

3) diplomatic efforts underway in the United Nations and elsewhere to bring about an early resolution of the conflict between Iran and Iraq, identify the actions which led to the current conflict and contribute to its continuation, achieve a cease-fire as called for by United Nations Security Council Resolution 598, and take early action toward imposing sanctions on any party which refuses to accept a cease-fire.

triggers  
war P. }

(c) (1) The Congress determines that the circumstances in the Persian Gulf and the Gulf of Oman meet the conditions established in Section 4 (a) (1) of the War Powers Resolution.



(2) Within thirty days after the date of enactment of this Act, the President shall submit a report to the Congress, in classified and unclassified form. The report shall provide a complete review of the policy of escorting vessels which had flown the flag of any country bordering the Persian Gulf on June 1, 1987, and which are currently or were formerly registered under the flag of the United States. This report shall also include a discussion of the following-

(A) the extent to which the policy of protecting reregistered vessels supports U.S. regional strategy;

(B) the anticipated duration of the operation;

(C) the objectives of the escorting operation and how the Administration measures progress toward those objectives;

(D) the funds which have been expended to date on the escort operation and the anticipated future requests for funds, including any request for reimbursement of previously expended funds;

(E) the impact of these operations on the diplomatic efforts to achieve a negotiated settlement of the Iran-Iraq war;

(F) the commitments which have been made, if any, by other governments to support this operation, and the commitments, if any, which have been made by the United States to those governments; and

(G) the impact these operations have had on the operational deployments and readiness of U.S. forces in other regions.

(3) Within sixty days after the report required by paragraph (2) is submitted, or 90 days after the date of enactment of this Act, whichever is sooner, the President shall terminate the registration of reregistered vessels under U.S. law and terminate the use of United States armed forces to escort reregistered vessels in the Persian Gulf region, unless the Congress has enacted a law providing specific authorization for such use and registration.

(e)(1)(A) The provisions of this subsection shall apply to the introduction and consideration in a House of Congress of a joint resolution introduced pursuant to subsection (c)(3).

(B) For purposes of this subsection, the term "joint resolution" means only a joint resolution which authorizes escorting of reregistered vessels in the Persian Gulf or the registration of those vessels under United States law, and which is introduced within 3 session days after the



date on which the report of the President described in subsection (c)(2) is received by Congress.

(C) For purposes of this subsection, the term "session days" means days on which the respective House of Congress is in session.

(2) A joint resolution introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the 8th session day after its introduction.

(3) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged under paragraph (3) from further consideration of, a joint resolution, it is at any time thereafter in order

(even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. Amendments to the joint resolution are in order under a two-hour time limitation for each amendment. ~~An amendment to or~~ a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution of the House receiving the joint resolution--

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(f) For purposes of this section, the term "reregistered vessels" means vessels which had flown the flag of any country bordering the Persian Gulf on June 1, 1987 and which are currently or were formerly registered under the law of the United States.

(6) This subsection is enacted by the Congress--

(A) as an exercise of rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

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#### ALTERNATIVE B

Amendment intended to be introduced by [ ] (for himself and [ ]) to the amendment proposed by Mr. Byrd.

(a) Congress expresses its support for:

(1) a continued U.S. presence in the Persian Gulf and the right of all non-belligerent shipping to free passage in the Gulf;

(2) continued work with the countries in the region and with our Allies to bring about a de-escalation of the conflicts in the region, and to bring a halt to those activities which threaten the freedom of navigation in international waters in this region;

(3) diplomatic efforts underway in the United Nations and elsewhere to bring about an early resolution of the conflict between Iran and Iraq, identify the actions which led to the current conflict and contribute to its continuation, achieve a cease-fire as called for by United Nations Security Council Resolution 598, and take early action toward imposing sanctions on any party which refuses to accept a cease fire; and

(4) use of U.S. armed forces in the Persian Gulf and Gulf of Oman to escort and otherwise protect U.S.-flag vessels trading to ports of non-belligerent nations of that region, including vessels which had flown the flag of any country bordering the Persian Gulf on June 1, 1987, and which currently are under the flag of the U.S.

(b) The use of U.S. armed forces in the Persian Gulf and Gulf of Oman to escort and otherwise protect U.S.-flag vessels trading to ports of non-belligerent nations of that region shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this Act unless the Congress extends such authorization.